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March 10, 2014

VIA FACSIMILE

Judge Michael A. Telesca  
United States District Court  
Western District of New York  
100 State Street  
Rochester, New York 14614

Re: Helene Minier v. Bank of America, N.A.; Index No. 13-CV-6610 (MAT)

Dear Justice Telesca:

This firm represents Defendant Bank of America, N.A. ("Defendant") in the action referenced above.

Defendant has moved to dismiss Plaintiff's complaint in its entirety on several grounds including that Plaintiff lacks standing to assert her claims and is also barred by *res judicata*, judicial estoppel as well as the statute of limitation. That motion is currently due to be submitted without oral argument on April 9, 2014.

Counsel for both parties remain actively engaged in trying to settle this matter and are hopeful that it will be resolved without further litigation. In furtherance of these settlement discussions, the parties respectfully request that Your Honor grant a further adjournment of the return date for the motion until May 21, 2014, or as soon thereafter as the case may be heard, with opposition papers, if any, to be served and filed three weeks before the return date and reply papers, if any, to be served and filed one week before.

We appreciate Your Honor's consideration of this request.

Respectfully submitted,

Elizabeth J. Goldberg

cc: Marino A. Fernandez, Jr. (attorney for Plaintiff) (via e-mail)

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SO ORDERED

MICHAEL A. TELESKA  
United States District Judge

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DATE 3/14/14